

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

EDGAR J. MARTIN, Jr., <div style="text-align: center;">Plaintiff,</div> <div style="text-align: center;">v.</div> Warden FORD, et al., <div style="text-align: center;">Defendants.</div> <hr style="width: 40%; margin-left: 0;"/>	: : : : : : : : : : :	Case No. 5:21 cv-000155-TES-CHW Proceedings Under 42 U.S.C. § 1983 Before the U.S. Magistrate Judge
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ORDER

Plaintiff Edgar J. Martin, Jr., an inmate presently confined at Coastal State Prison, filed a *pro se* civil rights complaint asserting claims under 42 U.S.C. § 1983. (Doc. 1, 16). Consistent with the Court’s order and recommendation, (Doc. 17), the clerk attempted to serve Defendant Officer Smith at Georgia Diagnostic and Classification Prison (GDCP). However, the mailed process receipt and return for Defendant Officer Smith was returned unexecuted. (Doc. 21).

Because Plaintiff is proceeding *in forma pauperis*, he is entitled to rely on the Court to effect service. “*In forma pauperis* litigants should be entitled to rely on the court officers and United States Marshals to effect proper service, and should not be penalized for failure to effect service where such failure is not due to fault on the litigant’s part.” *Fowler v. Jones*, 899 F.2d 1088, 1095 (11th Cir. 1990). Even so, *in forma pauperis* litigants may not remain silent and do nothing to help effectuate service of process. *Id.* At a minimum, an *in forma pauperis* litigant should request service upon the appropriate defendants and attempt to remedy any apparent service defects of which he has knowledge. *Id.*

Accordingly, Plaintiff is hereby **NOTIFIED** that the Court received an unexecuted process receipt and return for Defendant Officer Smith on February 16, 2021. (Doc. 21). Officials at

GDCP returned the document with a note stating that “there is not [an] Officer Smith employed at GDCP.” (*Id.*)

If Plaintiff wishes to pursue his claims against this individual Defendant, then Plaintiff is **DIRECTED** to remedy the apparent service defect concerning Defendant Officer Smith by providing the Court with additional information regarding the identity of this Defendant or a current address for this Defendant, so that the Court may continue its efforts to perfect service on Plaintiff’s behalf.

SO ORDERED, this 25th day of February, 2022.

s/ Charles H. Weigle
Charles H. Weigle
United States Magistrate Judge